



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

February 27, 2012

Mr. Kent A. Brown  
Assistant County Attorney  
County of Nueces  
901 Leopard, Room 2007  
Corpus Christi, Texas 78401-3680

OR2012-02880

Dear Mr. Brown:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 448425.

The Nueces County Medical Examiner's Office (the "medical examiner") received a request for complete records, autopsy reports, toxicology reports, photos, test results, narrative notes and investigative notes related to the death of a named individual. You state that you have sent a cost estimate to the requestor for those records to which no exception applies. We understand that you will release this information upon the requestor's payment. You claim that the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. Section 552.101 encompasses section 11 of article 49.25 of the Code of Criminal Procedure, which provides:

The medical examiner shall keep full and complete records properly indexed, giving the name if known of every person whose death is investigated, the place where the body was found, the date, the cause and manner of death, and shall issue a death certificate . . . The records are subject to required public disclosure in accordance with Chapter 552, Government Code, except that a photograph or x-ray of a body taken during an autopsy is excepted from

required public disclosure in accordance with Chapter 552, Government Code, but is subject to disclosure:

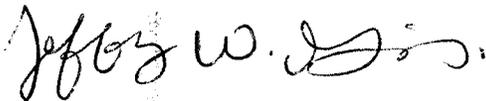
- (1) under a subpoena or authority of other law; or
- (2) if the photograph or x-ray is of the body of a person who died while in the custody of law enforcement.

Crim. Proc. Code art. 49.25, § 11. We agree the submitted information consists of photographs and x-rays of a body taken during an autopsy. You state neither of the statutory exceptions to confidentiality is applicable in this instance. Thus, we find, the medical examiner must withhold the submitted photographs and x-rays of a body taken during an autopsy under section 552.101 of the Government Code in conjunction with section 11 of article 49.25 of the Code of Criminal Procedure.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at [http://www.oag.state.tx.us/open/index\\_orl.php](http://www.oag.state.tx.us/open/index_orl.php), or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free at (888) 672-6787.

Sincerely,



Jeffrey W. Giles  
Assistant Attorney General  
Open Records Division

JWG/som

Ref: ID# 448425

Enc. Submitted documents

c: Requestor  
(w/o enclosures)